STATE OF NEW YORK

8154

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to making certain benefits available to members of the Dutchess county sheriff's department; and providing for the repeal of certain provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision k of section 89-p of the retirement and social security law is relettered subdivision l and a new subdivision k is added to read as follows:

k. (1) Notwithstanding any provision of law to the contrary, Dutchess county may elect to make available to the members described in subdivisions a and d of this section the twenty-year retirement plan provided by section five hundred sixty-one of this chapter; provided that Dutchess county shall pay the cost attributable therefor.

(2) The benefits provided by this subdivision shall be available only to those members defined in paragraph one of this subdivision upon the adoption of a resolution specifically stating that Dutchess county elects to offer the benefit provided by section five hundred sixty-one of this chapter, as authorized by this subdivision and filing a certified copy thereof with the comptroller. Such resolution may also contain an election that any past service cost be paid over either a five-year or ten-year period. Such resolution shall be accompanied by the affidavit of the chief executive officer of Dutchess county that such county has received an estimate from the retirement system of the cost of the benefit provided by section five hundred sixty-one of this chapter.

(3) Such resolution shall apply to all members defined in paragraph one of this subdivision, except those already subject to a retirement plan which permits immediate retirement with a benefit upon a specified period of service of twenty years or less without regard to age.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 2. The retirement and social security law is amended by adding a new section 561 to read as follows:

§ 561. Optional retirement plan for Dutchess county deputy sheriffs. a. A member of the retirement system employed by Dutchess county may elect to become a member pursuant to the provisions of this section within one year after such member becomes a member, if Dutchess county has elected to make the benefits provided herein available to members, or within one year after Dutchess county elects to make the benefits provided herein available to its members.

b. Elections made pursuant to this section shall be in writing and shall be duly acknowledged and filed with the comptroller. Any member who files such an election pursuant to this section may withdraw it after it has been filed for at least one year. Such withdrawal shall be by written notice duly acknowledged and filed with the comptroller.

c. A member participating on the basis of this section at the time of retirement, shall be entitled to retire after the completion of twenty years of total creditable service or upon the attainment of age sixty-two, by filing an application therefor in a manner similar to that provided in this chapter.

1. Upon completion of twenty years of such service and upon retirement, each such member shall receive a pension sufficient to provide such member with a retirement allowance equal to one-fortieth of such member's final average salary for each year of total creditable service for which such member is otherwise entitled but not exceeding in the aggregate one-half of such member's final average salary; provided, however, if upon retirement, such member shall have credited service in excess of twenty years, such member shall receive, for each year of service in excess of twenty, an additional pension which shall be equal to one-sixtieth of such member's final average salary; and provided further that the total allowance payable pursuant to this section shall not exceed three-quarters of such member's final average salary.

2. Upon attainment of age sixty-two and upon retirement without completion of twenty years of such service, each such member shall receive a pension sufficient to provide such member with a retirement allowance equal to one-fortieth of their final average salary for each year of creditable service. Every such member shall also be entitled to an additional pension equal to the pension for any other creditable service rendered as otherwise provided for in this chapter. This latter pension shall not increase the total allowance to more than one-half of such member's final average salary.

d. Dutchess county may elect to provide any service credit earned with a public employer prior to services performed as a sheriff, undersheriff or deputy sheriff towards the one-sixtieth allowance provided by paragraph one of subdivision c of this section.

e. The increased pension, as provided by this section, shall be paid from additional contributions made by the participating employer on account of such members. The actuary of the retirement system shall compute the additional contribution required for each member who elects to receive the special benefits provided under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the retirement system for such extra pensions. Upon approval of the comptroller, such additional contributions shall be certified by the comptroller to the Dutchess county chief fiscal officer. The amount thereof shall be included in the annual appropriation of Dutchess county. Such amount shall be paid on the warrant of the chief

fiscal officer of Dutchess county to the pension accumulation fund of the retirement system.

f. In computing the twenty years of completed service of a member, full credit shall be given for military service as defined in subdivisions twenty-nine-a and thirty of section three hundred two of this chapter.

g. Every member participating on the basis of this section shall be separated from the service on the last day of the calendar month next succeeding the calendar month in which such member attains age sixty-two, provided, however, that such a member who attained the age of sixty-two before the Dutchess county elected to make the benefits provided herein available to such member, or who attains the age of sixty-two within one month after the Dutchess county makes such benefits available, to be eligible for a pension computed in accordance with the provisions of this section, shall be separated from the service within three months after the Dutchess county makes such benefits available.

h. The provisions of this section shall be controlling notwithstanding any provision in this article to the contrary.

i. The benefits of this section shall be available upon Dutchess county electing to provide such benefits by adopting a resolution to such effect and filing a certified copy thereof with the comptroller.

j. The benefits hereinabove provided shall be payable to a member, unless at the date of retirement, such member would otherwise be entitled to a greater benefit under other provisions of this chapter had such member withdrawn from this section, in which event such greater benefits shall be payable.

k. 1. As used in this section "creditable service" shall include, any and all services performed as a sheriff, undersheriff or deputy sheriff, provided, however, that criminal law enforcement service shall only be creditable when it aggregates fifty per centum or more of their service as a deputy sheriff.

2. Notwithstanding the provisions of paragraph one of this subdivision, Dutchess county may elect on a form filed with the comptroller for that purpose to provide that creditable service shall also include any and all service performed by a deputy sheriff who is a police officer pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law as certified by the municipal police council or as certified by the police department of the city of New York upon satisfactory completion of the basic training program and graduation from the New York city police academy.

3. Credit for service as a member or officer of the state police or as a paid firefighter, police officer or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 3. Dutchess county is authorized to file an election in accordance with subdivision k of section eighty-nine-p of the retirement and social security law electing to offer the provisions of section five hundred sixty-one of the retirement and social security law to its members defined in subdivisions a and d of section eighty-nine-p of the retirement and social security law within one hundred eighty days of the

effective date of this act. All past service costs associated with section two of this act shall be borne by Dutchess county.

§ 4. Notwithstanding any other provision of law to the contrary, none of the provisions of this act shall be subject to the appropriation requirement of section 25 of the retirement and social security law.

§ 5. This act shall take effect immediately; provided however, that if the county of Dutchess fails to file the election pursuant to section three of this act with the comptroller within one hundred eighty days of the effective date of this act, on the one hundred eighty-first day following the effective date of this act, sections two and three of this act shall expire and be deemed repealed; provided that the comptroller shall notify the legislative bill drafting commission upon the occurrence of the filing of such election provided for in section three of this act, or lack thereof, in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.